

From the INTERNATIONAL BUREAU

PCT

**NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)**

To:

HERDEN, Andreas
Blumbach, Kramer & Partner GbR
Alexandra Strasse 5
65187 Wiesbaden
ALLEMAGNE

**PATENTCONSULT
WIESBADEN**

02. Mai 2005

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NOT.

Date of mailing (<i>day/month/year</i>) 28 April 2005 (28.04.2005)	
Applicant's or agent's file reference 03SGL0270WOP 3	IMPORTANT NOTIFICATION
International application No. PCT/EP2003/010219	International filing date (<i>day/month/year</i>) 13 September 2003 (13.09.2003)
Applicant SCHOTT AG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Ellen Möyse

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 89 75

Translation

PATENT COOPERATION TREATY

PCT/EP2003/010219



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 03SGL0270W0P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/010219	International filing date (day/month/year) 13 September 2003 (13.09.2003)	Priority date (day/month/year) 14 September 2002 (14.09.2002)
International Patent Classification (IPC) or national classification and IPC C03C 17/245		
Applicant SCHOTT AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18 March 2004 (18.03.2004)	Date of completion of this report 22 December 2004 (22.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/010219

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-14 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 2-7, 9-26 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1, 8 _____, filed with the letter of _____ 09 November 2004 (09.11.2004)
- ☒ the drawings:
pages _____ 1/3-3/3 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/10219

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4-7, 10-13	YES
	Claims	1-3, 8, 9, 14-26	NO
Inventive step (IS)	Claims	4-7, 10-13	YES
	Claims	1-3, 8, 9, 14-26	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations

1. Documents

Reference is made to the following documents:

✓ D1: SELHOFER H ET AL: "Comparison of pure and mixed coating materials for AR coatings for use by reactive evaporation on glass and plastic lenses" THIN SOLID FILMS, ELSEVIER-SEQUOIA S.A. LAUSANNE, CH, vol. 351, nos 1-2, 30 August 1999 (1999-08-30), pages 180-183, XP004183089 ISSN: 0040-6090

D2: WO 97/08357 A (NASHUA CORP) 6 March 1997

D3: EP-A-0 465 309 (SAINT GOBAIN VITRAGE)
8 January 1992

D4: WO 85/05292 A (GORDON ROY GERALD)
5 December 1985

D5: EP-A-0 479 678 (VER GLASWERKE GMBH; SAINT GOBAIN VITRAGE (FR)) 8 April 1992

2. Subject matter of the application

Claims 1-22 of the application define a layer system (on glass, ceramic material or plastic) that comprises a layer of an oxide of a titanium-

aluminium alloy. The system is preferably a multilayer system with a metal oxide functional layer that is interrupted by an optically inert intermediate layer of titanium-aluminium oxide or a multilayer system with a titanium-aluminium oxide functional layer that is interrupted by an optically inert intermediate layer of a metal oxide. The titanium-aluminium oxide layer may also be used in an alternating layer system comprising high and low refraction index metal oxide layers.

Independent claims 1 and 8 also define "high temperature stability at operating temperatures of $>600^{\circ}\text{C}$ ". Claims 23-26 define lighting fixtures and reflectors comprising this layer system.

3. Novelty

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-3, 8, 9 and 14-26 is not novel within the meaning of PCT Article 33(2). The reasons are:

D1 (see the entire document) describes the use of titanium-aluminium oxide layers in antireflective coatings (with SiO_2) on glass and plastics lenses.

Therefore, D1 describes all the features of claims 1-3, 8, 9 and 14-26 of the application.

D2 (see the claims) describes an antireflective coating, one of the layers of which consists of titanium-aluminium oxide.

Therefore, D2 describes all the features of claims 1, 8, 9, 14-17, 20, 21 and 23-26 of the application.

D3 (see the claims and example 14), D4 (see the claims) and D5 (see the claims and example 1) all describe a titanium-aluminium oxide coating on glass.

Therefore, D3, D4 and D5 describe all the features of claim 1 of the application.

The feature of high temperature stability at operating temperatures of $>600^{\circ}\text{C}$ in claims 1 and 8 is not sufficient to establish the novelty of these claims over D1-D5.

This feature pertains to a "relative term". An applicant cannot rely on an unclear term to distinguish the claimed invention from the prior art (PCT Article 6 and PCT International Search and Preliminary Examination Guidelines, 5.34).

Moreover, this feature pertains to a result to be achieved. As a general rule, claims which attempt to define the invention by a result to be achieved are not allowable (PCT Article 6 and PCT International Search and Preliminary Examination Guidelines, 5.35). Neither the composition nor the structure of the titanium-aluminium oxide coating is defined in such a way as to distinguish them from the prior art (D1-D5).

The combination of features in claims 4-7 and 10-13 is neither known from nor suggested by the available prior art.